

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed February 27, 2006. Claims 1-60 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

**SECTION 102 REJECTIONS**

Claims 1-10, 15-17, 19-23, 25-33, 36-40, 42-43, 46-48, 50-55 and 57-60 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Publication No. 2005/0148299 of Buckley (hereinafter "*Buckley*"). Applicant respectfully traverses this rejection.

**The *Buckley* Reference**

Applicant respectfully submits that Claims 1-10, 15-17, 19-23, 25-33, 36-40, 42-43, 46-48, 50-55 and 57-60 of the present Application are patentable over *Buckley*. However, Applicant elects to not address the patentability of Claims 1-10, 15-17, 19-23, 25-33, 36-40, 42-43, 46-48, 50-55 and 57-60 over *Buckley* and instead submit that *Buckley* does not qualify as prior art under Section 102(e) and, therefore, no *prima facie* rejection has been made. By making this choice, Applicant does not admit the accuracy of the Examiner's remarks or reasoning, or acquiesce in any way to the reasoning underlying the rejection.

Applicant conceived of the invention which is the subject of the present Application prior to January 7, 2004, the purported effective date of *Buckley*. In support thereof, Applicant submits the accompanying Declaration under 37 C.F.R. §1.131, the exhibit of which evidences the conception of the invention prior to the purported effective date of *Buckley*. Further, Applicants submit that the accompanying Declaration under 37 C.F.R. §1.131 evidences diligence in the completion of the invention which is the subject of the present Application from a time prior to the purported effective date of *Buckley* continuously up to the date of filing of the present Application. Accordingly, Applicant respectfully

requests that the rejection of Claims 1-10, 15-17, 19-23, 25-33, 36-40, 42-43, 46-48, 50-55 and 57-60 based on *Buckley* be withdrawn.

### **SECTION 103 REJECTIONS**

Claims 11-14, 18, 24, 34-35, 41, 49 and 56 were rejected under 37 U.S.C. 103(a) as unpatentable over *Buckley* in view of U.S. Patent Publication No. 2004/0003285 of Whelan et al. (hereinafter "*Whelan*"). Claims 44-45 were rejected under 37 U.S.C. 103(a) as unpatentable over *Buckley* in view of U.S. Patent Publication No. 2004/0153676 of Krantz et al. (hereinafter "*Krantz*"). Applicant respectfully traverses this rejection.

#### **Claims 11-14, 18, 24, 34-35, 41, 49 and 56**

Applicant respectfully submits that Claims 11-14, 18, 24, 34-35, 41, 49 and 56 of the present Application are patentable over the *Buckley* and *Whelan* references. However, Applicant elects not to address the patentability of Claims 11-14, 18, 24, 34-35, 41, 49 and 56 over *Buckley* and *Whelan* references, and instead submits that at least primary reference *Buckley* does not qualify as prior art and, therefore, no *prima facie* rejection has been made. By making this choice, Applicant does not admit the accuracy of the Examiner's remarks or reasoning, or acquiesce in any way to the reasoning underlying the rejection.

As discussed above, *Buckley* does not qualify as prior art under 35 U.S.C. §102(e). At least because *Buckley* does not qualify as prior art against independent Claims 1, 16, 26, 37, 42, 52 and 57, *Buckley* also does not qualify as prior art against dependent Claims 11-14, 18, 24, 34-35, 41, 49 and 56. Further, because *Buckley* does not qualify as prior art, and is effectively removed for that purpose from this §103 rejection, and because *Whelan* is not cited for any of the limitations purportedly taught or suggested by *Buckley*, no *prima facie* rejection has been made. Moreover, Applicant respectfully reserves the right to swear behind *Whelan* in any future office action response should the rejection of Claims 11-14, 18, 24, 34-35, 41, 49 and 56 be maintained. Accordingly, at least for these

reasons, Applicant respectfully requests that the rejection of Claims 11-14, 18, 24, 34-35, 41, 49 and 56 be withdrawn.

Claims 44-45

Applicant respectfully submits that Claims 44-45 of the present Application are patentable over the *Buckley* and *Krantz* references. However, Applicant elects not to address the patentability of Claims 44-45 over *Buckley* and *Krantz* references, and instead submits that at least primary reference *Buckley* does not qualify as prior art and, therefore, no *prima facie* rejection has been made. By making this choice, Applicant does not admit the accuracy of the Examiner's remarks or reasoning, or acquiesce in any way to the reasoning underlying the rejection.

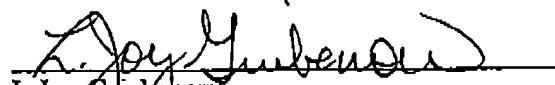
As discussed above, *Buckley* does not qualify as prior art under 35 U.S.C. §102(e). At least because *Buckley* does not qualify as prior art against independent Claim 42, *Buckley* also does not qualify as prior art against Claims 44-45 that depend therefrom. Further, because *Buckley* does not qualify as prior art, and is effectively removed for that purpose from this 103 rejection, and because *Krantz* is not cited for any of the limitations purportedly taught or suggested by *Buckley*, no *prima facie* rejection has been made. Moreover, Applicant respectfully reserves the right to swear behind *Krantz* in any future office action response should the rejection of Claims 44-45 be maintained. Accordingly, at least for these reasons, Applicant requests that the rejection of Claims 44-45 be withdrawn.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Request, other than that for a one-month extension of time. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,



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